

Serial No. 10/043,797  
Pedziwiatr et al  
Case No. CE08185R

## REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Claims 1-4, 6, 8-12, and 15-21 are currently pending.

In the Office Action, claims 19-22 were rejected under 35 U.S.C. § 102(e) as being unpatentable by United States Patent Application Publication No. 2003/0003919 A1 to Beming et al. Applicants have amended claim 19 and cancelled claim 22 to overcome the rejection. In particular, Applicants have amended claim 19 to state that wherein one of the core system and the radio access networks are adapted to determine the integrity of a communication path from the first and second sets of redundant bearer communication paths using frame erasure rates and to determine the integrity of a communication path from the first and second sets of redundant control communication paths using sequence numbers. Beming does not disclose determining the integrity of the communication paths. More particularly, Beming does not determine the integrity of the redundant bearer paths using frame erasure rates or the integrity of the redundant control communication paths using sequence numbers.

In view of the foregoing, it is respectfully submitted that Beming does not disclose the present invention as claimed in claim 19. Applicants therefore respectfully submit that claim 19 is not anticipated by Beming. As claims 20-21 depend upon and include each and every limitation of claim 19, it is also respectfully submitted that claims 20-21 are not anticipated by Beming. Applicant therefore requests that this rejection under Section 102(e) be withdrawn.

Claims 1-4, 6-12, 14-18 and 23-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0076803 to Chuah and further in view of Beming. Applicants have amended claims 1, 8 and 15 and cancelled claims 7, 14 and 18 to overcome the rejection. In particular, Applicants have amended independent claims 1, 8 and 15 to state that wherein one of the core system and the base transceiver stations are adapted to determine the integrity of a communication path from the first and second sets of redundant bearer communication paths using frame erasure rates and to determine the integrity of a communication path

Serial No. 10/043,797  
Pedziwiatr et al  
Case No. CE08185R

from the first and second sets of redundant control communication paths using sequence numbers. Neither Chuah nor Beming disclose determining the integrity of the communication paths. More particularly, Chuah and Beming do not determine the integrity of the redundant bearer paths using frame erasure rates or the integrity of the redundant control communication paths using sequence numbers.

In view of the foregoing, it is respectfully submitted that the combination of Chuah and Beming does not disclose, teach or otherwise suggest the present invention as claimed in independent claims 1, 8 and 15. Applicants therefore respectfully submit that claims 1, 8 and 15 are non-obvious in view of the cited references. As claims 2-4 and 6 depend upon claim 1, claims 9-12 depend upon claim 8 and claims 16-17 depend upon claim 15, it is also respectfully submitted that these dependent claims are also non-obvious in view of the cited references for the same reasons. Applicant therefore requests that this rejection under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Response overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to  
**50-2117.**

Respectfully submitted,  
Pedziwiatr, Joseph et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department

Customer Number: 22917

By:

*Simon B. Anolick*

Simon B. Anolick  
Attorney for Applicant  
Registration No.: 37,585  
Telephone: 847-576-4234  
Fax: 847-576-3750